



National Incident Commander
Deepwater Horizon Response

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May 31, 2010

MEMORANDUM

FROM: ADM T. W. ALLEN
National Incident Commander

TO: Unified Area Command
BP
Deepwater Horizon/MC 252 Federal On Scene Coordinators
Deepwater Horizon/MC 252 Federal On Scene Coordinator Representatives
Unified Area Command Joint Information Center
Incident Commander, ICP Mobile
Incident Commander, ICP St. Petersburg
Unified Area Command Media Operations Center
Incident Commander, ICP Houma

SUBJ: POLICY FOR MEDIA ACCESS TO DEEPWATER HORIZON/MC 252 RESPONSE OPERATIONS

REFERENCES: A. Coast Guard Public Affairs Manual, COMDTINST M5728.2D
B. Emergency Support Function 15 SOP
C. National Contingency Plan
D. National Response Framework

1. This correspondence serves as a written reminder to all parties involved, in any matter whatsoever, and at any level of the response organization, that media shall, at all times, be afforded access to response operations and shall only be asked to leave an area when their presence is in violation of an existing law or regulation, clearly violates the written site safety plan for the area or interferes with effective operations.
2. References A through D contain the guiding principles for effective media relations during response operations. Reference B incorporates language from Reference A in stating the requirement for effective communications during response operations, which in turn establishes the need for media access to response operations and responders.

"2.1 National Policy

In accordance with HSPD 5 and during an incident requiring a coordinated Federal response, it is Federal policy to maintain public trust by proactively disseminating consistent, timely, and accurate public information and instructions through coordination among Federal, State, local, territorial, and tribal communicators. This concept is best characterized as "*Maximum disclosure with minimum delay.*"

“3.4 Media Access (See Appendix 5)

Media access is a critical component of the overall external communications effort and highly encouraged.

Remember – Talk about what you do”.

3. Reference B does note that contractors are not empowered to speak to the media in the same manner as federal responders, however, contractors must abide by the policies set forth in references A through D with regard to media access.

“5.1 Contracted personnel should have language in their national contract or agreement that details the scope and nature of their authority to speak, under certain circumstances, but as standard practice should seek guidance from their corporate headquarters before proceeding. Contractors are not automatically empowered to conduct media activities in the same manner as Federal employees.

5.2 The ESF [Emergency Support Function] #15 EA [External Affairs] Officer, Assistant External Affairs Officers, and the senior representative of a Federal agency with contract oversight, working within the JFO [Joint Field Office] or ESF #15 staff, should coordinate with contractors, as appropriate, to identify potential spokespersons; conduct training on the release of information procedures; and provide approval for media activities, oversight, and guidance as necessary.

5.3 Special Federal departmental and agency guidance or protocols for contractors will be considered in executing this policy.”

No contractor, civilian employee or other responder involved in the Deepwater Horizon/MC 252 response has the authority to deny media access to operations except as noted in paragraph 1 of this correspondence.

4. The Unified Area Command (UAC) Joint Information Center (JIC), UAC Media Operations Center, designated Public Information Officers for Incident Commanders and JICs supporting Incident Commands are the coordinating mechanisms to establish media embeds, embarks and availabilities. Field response personnel encountering media in the field unexpectedly should:

- A.** Remain courteous at all times. Remember, the media is our means of telling the story of the response to this incident and keeping the public informed.
- B.** Allow the media access to operations. The media may film response operations from any public area, and, any private area for which they have permission to be.
- C.** Do not impede the media’s ability to document response operations.
- D.** If asked for an interview, follow the guidance set forth by the UAC JIC. In general terms, if you are responsible for it, you may speak about it. When in doubt, politely decline and refer the reporter to the JIC for information. Contracted response personnel shall follow guidance in their contract, but in no case, shall contractors prohibit the media’s access to public property or to document response operations.

E. Contact the JIC to advise them that the media has requested an interview, provide the JIC the name of the reporter, affiliation and the subject of the interview.

F. If during an interview a reporter asks field personnel questions about policies, plans or any other facet of the response for which they are not responsible, they should politely tell the reporter they can only speak to those matters for which they are directly responsible.

5. Media embeds with responders or media embarks aboard Deepwater Horizon/MC 252 response assets are highly encouraged to the extent they can be safely accommodated and should be coordinated through the UAC JIC. The JIC will ensure proper credentialing and provide any necessary ground rules or hold harmless agreements.

6. Should field personnel encounter the media during response operations, and they believe the actions of the media are violating the law, regulation or the site safety plan or are impeding response operations, they should:

A. Inform the media that their actions/presence is contrary to the site safety plan for that area and as such, request the media relocate or cease the dangerous activity. Field personnel shall not physically touch media, inhibit, or forcibly remove media from an area, including those circumstance where media may not have sufficient Personal Protective Equipment (e.g. media are in oil without protective clothing, splash proof goggles, etc.) unless their activity violates the law and the personnel have the required law enforcement authority and jurisdiction. Field personnel must tell the media the specific portion of the site safety plan they have violated, and, must tell the media how they can remedy the situation while still accomplishing their objective of gathering information.

B. If the media are impeding response efforts, field personnel shall politely inform the media of the situation and offer an alternative to facilitate the media's continued coverage of the operation.

C. Immediately inform the JIC that the media was asked to depart/move from an area or impeded response operations, provide the specific reasons why, and what efforts were made on scene to accommodate the media.

7. Nothing in this directive prevents Deepwater Horizon/MC 252 response personnel from preventing the loss of life or serious injury.

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